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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,772	04/16/2004	Tomonori Tominaga	52433/763	1288
7:	590 11/15/2006		EXAM	INER
Robert T. Tobin			KASTLER, SCOTT R	
KENYON & K	ENYON			
One Broadway			ART UNIT	PAPER NUMBER
New York, NY 10004			1742	. <u> </u>

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/826,772	TOMINAGA ET AL.				
Office Action Summary	Examiner	Art Unit				
_	Scott Kastler	1742				
The MAILING DATE of this communication Period for Reply	appears on the cover sheet w	ith the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REWHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period for reply within the set or extended period for reply will, by stany reply received by the Office later than three months after the meanned patent term adjustment. See 37 CFR 1.704(b).	B DATE OF THIS COMMUNI R 1.136(a). In no event, however, may a land. In this community is a community of the	CATION. reply be timely filed ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on _						
•	This action is non-final.					
3) Since this application is in condition for allo		ters, prosecution as to the merits is				
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
·	sian.	·				
4) Claim(s) 1-17 is/are pending in the application of the above plaim(s)						
4a) Of the above claim(s) is/are withdrawn from consideration.						
	5) Claim(s) is/are allowed.					
6)⊠ Claim(s) <u>1-17</u> is/are rejected. 7)□ Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction ar	nd/or election requirement					
•	laror election requirement.					
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bu	reau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.						
		. •				
Attachment(s)	·					
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO/SB/08)	, -	nformal Patent Application				
Paper No(s)/Mail Date <u>7/21/04</u> . 6) Other:						

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Claim Objections

Claims 1-17 are objected to because of the following informalities: The above claims contain the following informalities:

1. The claims contain the following terms lacking clear antecedent basis, rendering the claims informal:

"the portion of metal material" (claim 1, line 2)

"the neighboring portion" (claims 2 and 3 line 4 in each)

"the welding of the metal material" (claim 6 lines 4 and 5)

the above are only examples and all claims should be reviewed to ensure all terms contain proper antecedent basis.

- 2. The claims include the terms "such as", "or the like" which render the claims informal because it is not clear what other, unnamed components or steps are additionally included by these terms.
- 3. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Appropriate correction is required.

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Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-16 are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese'418. Japanese'418, which contains different inventors (Tominaga Noriyoshi) claims identical subject matter as the instant claims (see claims in the translation of this reference provided by the applicant).

Conclusion .

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Each of Duquenne et al, Prokopenko et al, Xiong et al, Berthelet et al'303, Berthelet et al,687 and Berthelet et al'402 are also cited as further examples of prior art ultrasonic treatment of metal workpieces with post treatment inspections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Kastler whose telephone number is (571) 272-1243. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Scott Kastler Primary Examiner Art Unit 1742 Page 4

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